

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-CR-20104-CR-MARTINEZ/ (s)(s)(s)(s)

UNITED STATES OF AMERICA

v.

**JOSEPH JOEL JOHN,
JOSEPH VINCENT,
GERMAN ALEJANDRO RIVERA GARCIA,
RODOLPHE JAAR,
MARIO ANTONIO PALACIOS PALACIOS, and
FREDERICK JOSEPH BERGMANN, JR.,**

Defendants.

/

**GOVERNMENT'S UNOPPOSED MOTION
TO CONTINUE RESTITUTION HEARING**

The United States, by and through the undersigned counsel, files this unopposed motion to continue the restitution hearing for the above-referenced defendants in the above-referenced matter.

The Court recently granted defendant Bergmann, Jr.'s motion to continue sentencing, which is now scheduled for May 14, 2024, at 11:30 am. [ECF No. 645.] Therefore, the United States now moves, with consent of defense counsel for each of the above-named defendants, to continue those proceedings until on or about May 14, 2024 (after defendant Bergmann's sentencing), or on a date convenient to the Court later that week.

The United States acknowledges that 18 U.S.C. §3664(d)(5) sets a 90-day deadline for the final determination of the victims' losses for purposes of determining restitution. However, the Supreme Court has held that despite the deadline set by §3664(d)(5), a sentencing court retains the power to order restitution after that 90-day deadline has passed, particularly in a case such as this,

where this Court has made it clear prior to the expiration of the deadline that restitution would be ordered, with the only the amount remaining to be determined. *Dolan v. United States*, 560 U.S. 605, 608 (2010); *see also United States v. Rodriguez*, 751 F.3d 1244, 1260 (11th Cir. 2014).

This motion is made in good faith and after the exercise of due diligence and is not made for the purpose of unnecessary delay. Counsel for the United States has consulted with attorneys for the above-captioned defendants; the attorneys have indicated that they are generally available that week. Should the parties reach agreement on a restitution figure prior to such date, they will notify the court.

WHEREFORE, the United States respectfully requests that this motion be granted, and that the restitution hearing for defendants Joseph Joel John, Joseph Vincent, German Alejandro

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Rivera Garcia, Rodolphe Jaar, Mario Antonio Palacios Palacios, and Frederick Joseph Bergmann, Jr. be held on May 14, 2024, or a date convenient to the Court later that week.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/ Andrea Goldbarg
/s/ Monica K. Castro
Assistant United States Attorneys
Court ID No. A5502556
Court ID No. A5502776
U.S. Attorney's Office
Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132-2111
Telephone: (305) 961-9000
Email: Andrea.Goldbarg@usdoj.gov
Email: Monica.Castro@usdoj.gov

MATTHEW G. OLSEN
ASSISTANT ATTORNEY GENERAL

By: /s/ Frank V. Russo
/s/ Jessica K. Fender
Trial Attorneys
Court ID No. A5502917
Court ID No. A5502919
National Security Division
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530
Telephone: (202) 307-2898
Email: Frank.Russo2@usdoj.gov
Email: Jessica.Fender2@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 4, 2024, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF.

By: By: /s/ Frank V. Russo
Trial Attorney
Court ID No. A5502917
National Security Division
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530
Telephone: (202) 307-2898
Email: Frank.Russo2@usdoj.gov